

SENATE BILL 104

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2003 Regular Session  
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By: **Chairman, Education, Health and Environmental Affairs Committee**  
**(By Request - Departmental - Natural Resources)**

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Hunting Licenses - Waterfowl Outfitter and Hunting**  
3 **Guide**

4 FOR the purpose of repealing provisions of law relating to certain hunting licenses;  
5 providing for certain waterfowl outfitter and waterfowl hunting guide licenses;  
6 establishing the fees, application procedures, and license term for certain  
7 waterfowl hunting licenses; repealing the reporting requirements for certain  
8 hunting licenses; limiting the number of waterfowl hunting guides that may be  
9 employed by a waterfowl outfitter; requiring the Department of Natural  
10 Resources to adopt certain regulations regarding the waterfowl outfitter and  
11 waterfowl hunting guide licenses; providing for a delayed effective date; and  
12 generally relating to waterfowl outfitter and waterfowl hunting guide licenses.

13 BY repealing and reenacting, with amendments,  
14 Article - Natural Resources  
15 Section 10-309  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2002 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Natural Resources**

21 10-309.

22 (a) (1) In this section, ["master hunting guide"] "WATERFOWL OUTFITTER"  
23 means an individual who:

24 (i) Owns or is responsible for the operation of a commercial  
25 WATERFOWL hunting [guide organization] OUTFITTING SERVICE that outfits or  
26 guides hunters to hunt wild waterfowl; and

1 (ii) Receives monetary consideration for the outfitting or guiding of  
2 hunters to hunt wild waterfowl OR THE DAILY USE OF A WATERFOWL HUNTING  
3 BLIND, A STATIONARY BLIND, OR A BLIND SITE.

4 (2) ["Master hunting guide"] "WATERFOWL OUTFITTER" includes an  
5 individual who is self-employed.

6 (3) ["Master hunting guide"] "WATERFOWL OUTFITTER" does not  
7 include [an] A WATERFOWL HUNTING GUIDE, agent, employee, or helper of the  
8 [master hunting guide] WATERFOWL OUTFITTER.

9 (b) [This section applies only to the licensing of master hunting guides who  
10 receive monetary consideration to outfit hunters to hunt wild waterfowl] IN THIS  
11 SECTION, "WATERFOWL HUNTING GUIDE" MEANS AN INDIVIDUAL WHO:

12 (1) IS AN EMPLOYEE OF A WATERFOWL OUTFITTER; AND

13 (2) FURNISHES ONLY PERSONAL GUIDING SERVICES IN ASSISTING A  
14 PERSON TO HUNT OR TAKE WILD WATERFOWL.

15 (c) [(1)] An individual shall be licensed by the Department as a [master  
16 hunting guide] WATERFOWL OUTFITTER OR A WATERFOWL HUNTING GUIDE before  
17 the individual may receive financial compensation for outfitting or guiding hunters to  
18 hunt wild waterfowl.

19 [(2)] An agent, employee, or helper of a master hunting guide is exempt  
20 from the licensing requirements of this section. However, a master hunting guide  
21 shall register with the Department each agent, employee, or helper of the master  
22 hunting guide who is a field assistant.]

23 (d) (1) To apply for a license as a [master hunting guide] WATERFOWL  
24 OUTFITTER OR A WATERFOWL HUNTING GUIDE, an applicant shall:

25 (i) Submit an application to [any person designated by] the  
26 Department;

27 (ii) Furnish any information required by the Department on the  
28 application, including the oath provided in subsection (e) of this section; and

29 (iii) Pay to the [person designated to issue the master hunting  
30 guide license] DEPARTMENT a fee of [\$100] \$500 FOR A WATERFOWL OUTFITTER  
31 LICENSE OR \$100 FOR A WATERFOWL HUNTING GUIDE LICENSE.

32 [(2)] As compensation for issuing the license, the designated person shall  
33 retain 25 cents of each \$100 fee received under this section.

34 (3) On the first day of each month, the designated person shall send to  
35 the Department the remainder of the fees received for master hunting guide  
36 licenses.]

1 (2) APPLICANTS FOR A WATERFOWL OUTFITTER LICENSE SHALL BE:

2 (I) INDIVIDUALS; OR

3 (II) INDIVIDUALS ACTING IN THEIR CAPACITY AS A PRINCIPAL IN A  
4 CORPORATION OR PARTNERSHIP CREATED TO OPERATE A COMMERCIAL  
5 WATERFOWL HUNTING OUTFITTER SERVICE.

6 (3) IF A WATERFOWL OUTFITTER LICENSE IS REVOKED, THIS  
7 REVOCATION SHALL APPLY TO BOTH THE INDIVIDUAL AND ANY CORPORATION OR  
8 PARTNERSHIP THE INDIVIDUAL REPRESENTS.

9 (4) (I) ONLY ONE APPLICATION FOR A WATERFOWL OUTFITTER OR  
10 WATERFOWL HUNTING GUIDE LICENSE MAY BE MADE IN ANY ONE LICENSE YEAR;

11 (II) NO PERSON MAY HOLD MORE THAN ONE WATERFOWL  
12 OUTFITTER LICENSE EITHER FOR HIS OWN BENEFIT OR FOR THE USE AND BENEFIT  
13 OF A PARTNERSHIP OR CORPORATION; AND

14 (III) THE NAME OF ANY PARTNERSHIP OR CORPORATION SHALL  
15 NOT APPEAR ON MORE THAN ONE CURRENT WATERFOWL OUTFITTER LICENSE.

16 (e) The application shall contain the following affidavit, which shall be signed  
17 before a [master hunting guide] WATERFOWL OUTFITTER LICENSE OR A  
18 WATERFOWL HUNTING GUIDE license is valid:

19 OATH

20 I, ....., the person named on the face of this license, do hereby swear  
21 or affirm that I will uphold and abide by all federal laws and regulations, all laws and  
22 regulations of the State of Maryland, and all regulations promulgated by the [Wildlife  
23 Administration] DEPARTMENT OF NATURAL RESOURCES pertaining to the hunting,  
24 taking, or possession of wild game BIRDS AND MAMMALS and will endeavor to prevent  
25 any party using my services from violating the same.

26 (Signed)

27 Subscribed and sworn to me this ..... day of ..., 20....

28 Notary Public

29 (f) [The person designated by the Department shall issue a master hunting  
30 guide license to any applicant who meets the requirements of this section.

31 (g) A master hunting guide who is licensed under this section may earn  
32 monetary compensation to outfit or guide hunters in the hunting of wild waterfowl.

1 (h) (1) The term of a license as a [master hunting guide] WATERFOWL  
2 OUTFITTER AND A WATERFOWL HUNTING GUIDE is [valid for a term of] 1 year from  
3 August 1 through July 31 of each year.

4 [(2) To renew a license as a master hunting guide, a licensee shall submit  
5 an application and the \$100 fee, as provided in subsection (d) of this section.

6 (i) (1) (G) A [master hunting guide] WATERFOWL OUTFITTER who is  
7 licensed under this section:

8 [(i) (1) [Shall report monthly to the Department the names,  
9 addresses, and Social Security numbers of the master hunting guide's field assistants,  
10 and the type, kinds, and total numbers of wild waterfowl that are killed daily, and the  
11 names and license numbers of the hunters that the master hunting guide outfits or  
12 guides, whether personally or by agent, employee, helper, or walker] MAY NOT  
13 EMPLOY MORE THAN 10 WATERFOWL HUNTING GUIDES AT THE SAME TIME; and

14 [(ii) (2) Is responsible for the conduct of the [agents, employees, or  
15 helpers of the hunting outfitters] WATERFOWL HUNTING GUIDES while in the course  
16 of employment.

17 [(2) The Department may not require the daily reports under this  
18 subsection to be divided by the number of wild waterfowl killed by hunters who are  
19 guided by a master hunting guide's agents, employees, or helpers.

20 (3) (i) This paragraph does not prohibit the Department from  
21 releasing to the public information required to be submitted to the Department under  
22 this section concerning:

- 23 1. Master hunting guides; and  
24 2. Master hunting guides' field assistants.

25 (ii) Notwithstanding any other law or regulation, the Department  
26 may not release to the public:

- 27 1. Information required to be submitted to the Department  
28 under this subsection concerning the names and license numbers of the hunters; and  
29 2. The addresses or Social Security numbers of the hunters.

30 (j) A master hunting guide may not outfit or guide any hunter of wild  
31 waterfowl unless the hunter possesses a proper hunter's license.

32 (k) (1) Notwithstanding any law to the contrary, and except for a master  
33 hunting guide registering the field assistants with the Department, the Secretary or  
34 any official of the Department may not adopt any regulation concerning the licensing  
35 of agents, employees, or helpers of a master hunting guide who guide hunters to hunt  
36 wild waterfowl.

1           (2)     The State or any of its agencies or departments may not request the  
2 federal government to enforce any federal rule or regulation concerning the licensing  
3 of agents, employees, or helpers of a master hunting guide who guide hunters to hunt  
4 wild waterfowl.

5           (3)]    (H)     The Department[:

6                   (i)     Shall] SHALL adopt [new] regulations to carry out the  
7 purposes of this section[; and

8                   (ii)    May revoke the license of any master hunting guide for any  
9 violation of law or regulation] THAT SHALL INCLUDE:

10           (1)     MINIMUM QUALIFICATIONS TO OBTAIN A WATERFOWL OUTFITTER  
11 AND WATERFOWL HUNTING GUIDE LICENSE;

12           (2)     OTHER APPLICATION REQUIREMENTS;

13           (3)     THE REVIEW OF APPLICATIONS;

14           (4)     THE CRITERIA FOR THE ISSUANCE AND DENIAL OF LICENSES;

15           (5)     STANDARDS FOR THE CONDUCT OF WATERFOWL OUTFITTERS AND  
16 WATERFOWL HUNTING GUIDES;

17           (6)     GROUNDS FOR THE MANDATORY REVOCATION OF A WATERFOWL  
18 OUTFITTER LICENSE AND A WATERFOWL HUNTING GUIDE LICENSE; AND

19           (7)     ANY OTHER REGULATIONS THE DEPARTMENT FINDS NECESSARY TO  
20 REGULATE WATERFOWL OUTFITTERS AND WATERFOWL HUNTING GUIDES.

21     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect February 1, 2004.